IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4067 OF 2005
IN
CRIMINAL APPEAL NO. 607 OF 2005

Mahendra Mangilal Salavat ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr. P.R.Dave Advocate for Applicant
Mr. Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 22,2005

P.C.

1. Heard both sides.

2. The applicant is seeking bail. The applicant has been convicted under Section 304-I of IPC and sentenced to R.I.for five years.

3. The learned advocate for the applicant has pointed out that the applicant was on bail pending

trial and he has not misused the liberty to him. This statement is not controverted by the prosecution. In the present case, only one eye witness has been examined. He has further submitted that there is discrepancy between the evidence of the eye witness P.W.1 Sanjay Kadam and the medical evidence. According to Sanjay Kadam, Manoj was given 2 to 3 blows with knife. All the blows were given on the left side just below the ribs. However, there is only one injury on the person of Manoj and in view of the evidence of P.W.5 Dr.Baban Shinde, the said injury cannot be said to be attributable to knife Article 1. I find considerable merit in this submission. Looking to these facts, I am inclined to grant bail to the applicant.

4. The applicant-Mahendra Mangilal Salavat to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up that amount. During the pendency of the appeal, the applicant shall report once in a month to Borivali Police Station i.e.on the last Saturday of every month.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]